

Philip H. Stillman, Esq. SBN# 152861
STILLMAN & ASSOCIATES
3015 North Bay Road, Suite B
Miami Beach, Florida 33140
Tel. and Fax: (888) 235-4279
pstillman@stillmanassociates.com

Attorneys for Defendant HANDLERY HOTELS, INC.

**UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF CALIFORNIA**

Case No.: 3:21-cv-00850-TSH

SAMUEL LOVE,

Plaintiff,

v.

HANDLERY HOTELS, INC., a California
Corporation;

Defendant.

**NOTICE OF MOTION AND MOTION
TO DISMISS COMPLAINT**

Date: June 17, 2021
Time: 10:00 A.M.
Courtroom: G, 15th Fl.
San Francisco

Courthouse

Hon. Thomas S. Hixson

TO PLAINTIFF AND HIS ATTORNEYS OF RECORD:

PLEASE TAKE NOTICE THAT on June 17, 2021, or as soon thereafter as the matter may be heard in Courtroom G the above-entitled court, Defendant Handlery Hotels, LLC will and hereby does move to dismiss the Complaint in its entirety, pursuant to Fed. R. Civ. P. 12(b)(6). All of the asserted claims arise from Plaintiff's visit to the Defendant's reservations website (the "Website"), and Plaintiff's claim that the Website fails to provide sufficient information about the accessible features in the accessible guestrooms in violation of the Americans with Disabilities Act and California's Unruh Civil Rights Act. The Complaint lacks sufficient factual allegations under applicable pleading standards to establish a plausible entitlement to relief with respect to any of the claims asserted.

This motion is based on this Notice and the accompanying Memorandum of Points and Authorities, Request for Judicial Notice, all pleadings and documents on file herein, and on such other and further evidence as may be presented at or before the hearing on this matter.

This motion is made following the conference of counsel which took place on March 8, 2021.

WHEREFORE, Defendant Handlery Hotels, LLC respectfully requests that this Court dismiss the Complaint with prejudice and without leave to amend.

Respectfully Submitted,

STILLMAN & ASSOCIATES



Dated: May 7, 2021

By:

Philip H. Stillman, Esq.
Attorneys for Defendant Handlery Hotels LLC

PROOF OF SERVICE

I, the undersigned, certify under penalty of perjury that on May 8, 2021 or as soon as possible thereafter, copies of the foregoing Motion to Dismiss, Memorandum of Points and Authorities, the Request for Judicial Notice and Proposed Order was served electronically by the Court's ECF notice to all persons/entities requesting special notice or otherwise entitled to the same.

By: /s/ Philip H. Stillman
Attorneys for Handlery Hotels